

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CIVIL NO. 20-cv-199

MOLLY CORDELL

Plaintiff(s),

vs.

CHEROKEE COUNTY, ET AL.,

Defendant(s).

**CERTIFICATION AND REPORT
OF FED. R. CIV. P. 26(F)
CONFERENCE AND
DISCOVERY PLAN**

1. Certification of Conference. Pursuant to Fed. R. Civ. P. 26(f), a meeting was held on August 17, 2020, by telephone and was conducted by the undersigned counsel for the designated parties in the above captioned case.
2. Pre-Discovery Disclosures. The majority of information required by Fed. R. Civ. P. 26(a)(1) (*check one*) [☒] has been exchanged [☐] in *Hogan v. Cherokee County*, 18 cv 96. To the extent that additional disclosures are necessary, those will be exchanged by September 20, 2020.

Discovery Plan. The Parties have moved to consolidate this case with *Heaven Cordell v. Cherokee County*, 20-cv-201, *Stephanie Godbold v. Cherokee County*, 1:20-cv- 202 and *Hogan*, and would request that discovery end August 2, 2021. The Parties jointly propose to the court the following discovery plan:

a) Discovery Limits:

- 1) Maximum of 20 interrogatories by plaintiff and 40 interrogatories from defendants collectively.
- 2) Maximum of 20 requests for admission by plaintiff and 40 requests for admission from defendants collectively.
- 3) Maximum of 15 fact depositions by plaintiff and 15 fact depositions by defendants collectively.
- 4) Maximum of 5 depositions by written questions by plaintiff and 5 depositions by written questions by defendants collectively.

- b) Expert Witnesses: Plaintiff may designate up to 10 expert witnesses. Defendants collectively may designate up to 10 expert witnesses.
- c) Reports from retained experts under Rule 26(a)(2) will be due:
 - from plaintiff(s), six months after any final ruling on the Plaintiff's motion for class certification.
 - from defendant(s) ,sixty days after the Plaintiff's expert reports.

Supplementations under Rule 26(e) due within 30 days of discovery of information needed to be supplemented.

3. Other Items.

- a) The parties ☐ request ☒ do not request a conference with the court before entry of the scheduling order. However, all counsel are available to discuss this report if the Court has questions or concerns.
- b) All potentially dispositive motions should be filed sixty days after discovery ends.
- c) Settlement: ☐ is likely
 - ☐ is unlikely
 - ☒ cannot be evaluated prior to the end of discovery
 - ☒ may be enhanced by use of the following ADR procedure:
 - ☒ mediated settlement conference
 - ☐ binding arbitration
 - ☐ other _____

The parties agree that the above selected ADR procedure would be most useful if conducted:

- ☐ after resolution of any outstanding dispositive motions, but prior to further discovery;
- ☐ after an initial round of preliminary discovery to be completed by _____(date);
- ☒ after the completion of the second phase of discovery. The Parties have discussed selection of a mediator, and anticipate selecting one shortly.
- ☐ after resolution of summary judgment motions, if any;

☐ not applicable.

d) Pretrial submissions:

- 1) Final lists of witnesses and exhibits under Rule 26(a)(3) are due: from plaintiff and defendants by 30 days before trial.
- 2) Proposed jury instructions are due from plaintiff and defendants 15 days before trial;
- 3) Motions in limine are due from plaintiff and defendants 14 days before the pre-trial conference.
- 4) Stipulations are due one week before the pretrial conference.

e) If the case is ultimately tried, trial is expected to take approximately 7-10 days, although the length may change depending on the issues presented to the Court.

f) ☐ The parties have discussed the issue of consent to the jurisdiction of a U.S. Magistrate Judge, and ☐ there is ☒ there is not unanimous consent.

[If the parties unanimously consent to Magistrate Judge jurisdiction, the parties shall also file with the Court a Notice, Consent, and Reference of a Civil Action to a Magistrate Judge (AO 85)].

4. Please identify any other matters regarding discovery or case management which may require the Court's attention (e.g., concerns re: confidentiality, protective orders, preservation of ESI materials, unmovable scheduling conflicts, etc.):

This the 26th day of August, 2020.

s/ David A. Wijewickrama

s/ Brandon Christian

s/ Ron Moore

s/ Melissa Jackson

s/ Sean Perrin

s/ Patrick Flanagan

s/ John Kubis